

REMARKS

Status of the Application

Claims 1-20 are pending. Claims 12-15 have been withdrawn from consideration as being drawn to a non-elected species. Claims 1-7, 10, 11 and 16-20 stand rejected. Claims 8 and 9 are objected to.

Section 102 Rejections

Claim 1 remains rejected under 35 U.S.C. Section 102 as being anticipated by Qiu U.S. Patent No. 6,186,329. In response, applicants have amended claim 1 to better distinguish Qiu.

Amended claim 1 now requires that "at least one of the plies that forms the middle layer [is] thicker in at least some areas than the outer facing layers" of the post wall. This limitation is supported in the specification as filed in, for example, paragraphs 007 - 009, 0032 and 0037 and Figure 4.

The '329 patent does not teach or suggest this limitation. Rather, Qiu '329 teaches that "Preferably, the sheets are skived at the same angle so that the joined sheets [that form the middle layer and outer facing layers of the post wall] have a uniform thickness." (Col. 3, lines 49-51, underlining added; see also Qiu Figs. 3-6.)

Applicants note that this 102 rejection arose because of confusion regarding the definition of the term "middle layer" in claim 1. It is apparent from the examiner's "Response to Arguments" that he is interpreting the term "middle layer" to mean the middle portion or interior of the post wall, and that the middle layer can consist of multiple plies (layers of material). Using this definition for "middle layer", applicants agree that Qiu anticipates claim 1 as filed,

since Qiu's three-ply "middle layer" is indeed thicker than Qiu's single-ply outer facing layers in Qiu Figs. 6, 7a and 7b. The present amendment to claim 1 is intended to make clear that the present invention is limited to a wound post in which at least one of the plies that forms the middle layer of the post wall is thicker in at least some areas than the outer facing layers of the post wall. Put another way, the scope of the present invention includes a post having a single ply middle layer if that middle layer ply is thicker in at least some areas than the outer facing layers.

Section 103 Rejections

The Examiner rejected claims 10 and 11 under 35 U.S.C. Section 103(a) as being unpatentable over Qiu. Applicants submit that claims 10 and 11 are allowable for at least the same reason as amended claim 1.

The Examiner rejected claims 2-7 and 16-20 under 35 U.S.C. Section 103(a) as being unpatentable over Qiu in view of Braun U.S. Patent No. 5,799,797. Applicants submit that claims 2-7 and 16-20 are allowable for at least the same reason as amended claim 1.


Allowable Subject Matter

Applicants note with appreciation examiner's statement that claims 8 and 9 would be allowable if rewritten in independent form.

Summary

It is believed that this paper constitutes a complete response to the Office Action mailed August 24, 2004, and an early and favorable action allowing claims 1-11 and 16-20 is respectfully requested. The Examiner is invited to telephone applicants' undersigned attorney if any unresolved matters remain.

Respectfully submitted,



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